

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)
ORDER

This Document Relates to All Actions

The parties recently submitted a proposed order. It states that the parties participated in mediation proceedings with the Honorable James M. Rosenbaum, United States District Judge (Ret.); that he “concluded that additional trials are necessary to facilitate potential resolution of this litigation”; that he “directed the parties to confer on a plan to achieve that goal”; and that “[t]he parties submit this proposed order pursuant to those instructions.”

According to the proposed order, 375 cases—250 from active cases in MDL 2666 and 125 from unfiled cases—are randomly selected; a database is created for the 375 cases; the cases are screened for capacity to participate and product use; 36 cases are selected from the remaining cases; and 2 cases are eliminated. “The parties disagree about how the 34 cases should proceed following selection.” The proposed order discloses “Plaintiffs’ Proposal for Remand” and “3M’s Proposal for Case Workup.”

According to the proposed order, the parties’ receipt of a list of active cases in MDL 2666 begins the process: “Five . . . days after the parties receive a list of active Bair Hugger cases in MDL 2666 from the Court (‘Selection Date’), the parties shall number the cases and use a random number generator to select a list of 250 cases (‘Older Cases’).” The parties may generate a list of active Bair Hugger cases in MDL 2666 by

preparing an MDL Case Report. Instructions are available on the Court's website (<https://www.mnd.uscourts.gov/sites/mnd/files/MDL-Case-Report.pdf>). The parties shall immediately prepare the MDL Case Report and proceed according to the proposed order to select the 34 cases. After the 34 cases have been selected, the Court will consider the parties' proposals for further proceedings.

IT IS SO ORDERED.

Dated: July 26, 2023

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge